

Docket No.: 80441(302767)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Naoyuki Kohno et al.

Application No.: 10/585,985

Confirmation No.: 1712

Filed: July 13, 2006

Art Unit: 1641

For: PROTEIN IMMOBILIZATION METHOD AND
QUANTIFICATION METHOD

Examiner: L. Y. B. Lum

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

The undersigned declare as follows:

1. We, Takahiro Nishibu, Kazunari Hirayasu and Yoshiteru Kobayashi, citizens of Japan, hereby declare that we are familiar with claims 1 to 11 recited in the above-identified application (hereinafter the "Claims"). We are inventors or co-inventors of one or more of the Claims.

2. The other co-inventors listed in the present application, Naoyuki Kohno, Hitoshi Uemori and Takashi Yokoyama, are not co-inventors of currently elected claims 1 to 11 drawn to a method for immobilizing a protein to a solid-phase.

3. We are also familiar with Nishibu et al., "Quantitative filtration-blotting of protein in the presence of sodium dodecyl sulfate and its use for protein assay," Analytical Biochemistry vol. 319, p.88-95 (2003).

4. We understand that the Examiner in the above-identified application has asserted that some or all of the subject matter claimed in the instant application is taught by Nishibu et al.

5. As indicated above, we are each inventors of one or more of elected claims 1 to 11 of the present application. If, and to the extent that any of the subject matter claimed in the instant application was disclosed in Nishibu et al., the instantly claimed subject matter was invented only by the undersigned three inventors. The other co-authors of Nishibu et al., Takumi Tanaka and Yasuhiro Takeda, were working under our direction in carrying out the experiments in Nishibu et al. The instantly claimed invention (as recited in claims 1 to 11) was not invented by Takumi Tanaka or Yasuhiro Takeda, co-authors of Nishibu et al. As such, Nishibu et al. is not the work of another relative to claims 1 to 11 of the present application. Consequently, based on our understanding of 35 USC § 102, the rejections of claims 1 to 11 over Nishibu et al. should be withdrawn.

6. We hereby further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both (18 U.S.C. § 1001), and that such willful false statements may jeopardize the validity of the above-identified Application or any patent issued thereon.

Date: March 10, 2009

Takahiro Nishibu

Takahiro Nishibu

Date: March 10, 2009

Kazunari Hirayasu

Kazunari Hirayasu

Date: MARCH 10, 2009

Yoshiteru Kobayashi

Yoshiteru Kobayashi